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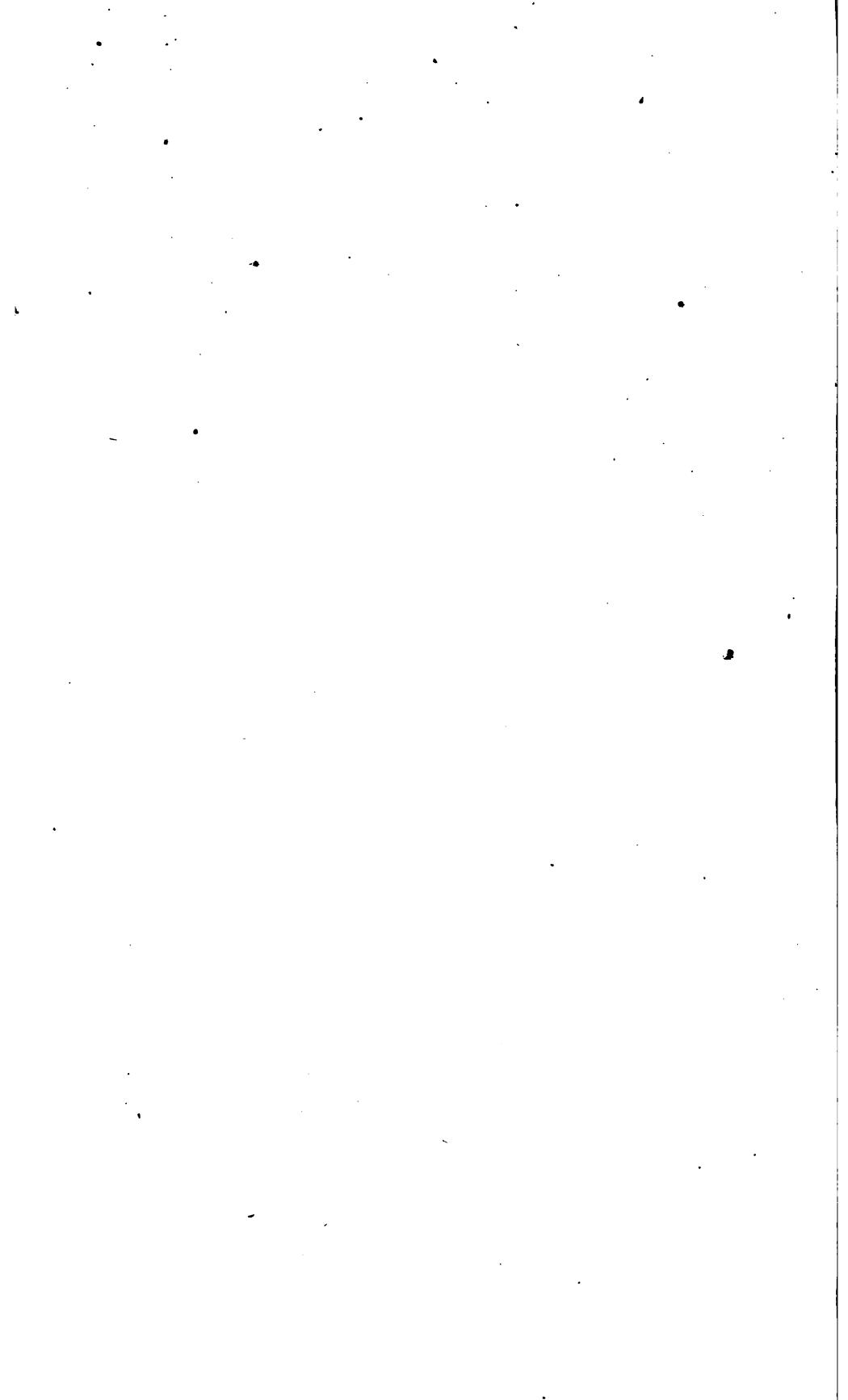
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SHORT AND PRACTICAL TREATISE

ON

GOVERNMENT;

SHOWING THE

SUPERIORITY

OF THE

UNITED STATES GOVERNMENT

OVER ALL OTHERS.

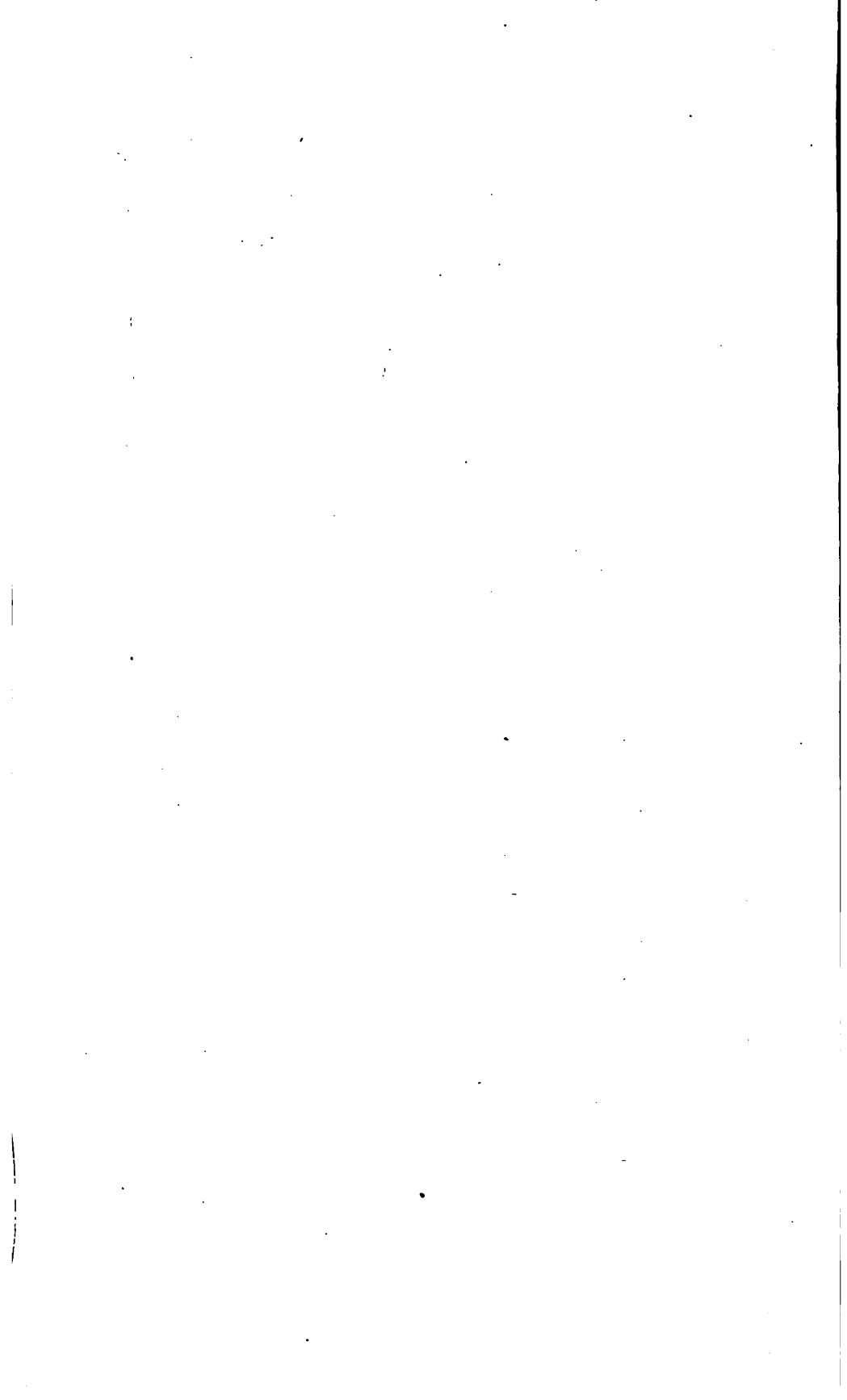
By BARTOW A. ULRICH.

OF THE ILLINOIS BAR.

CHICAGO:

PUBLISHED BY THE TRIBUNE COMPANY, 51 CLARK STREET.

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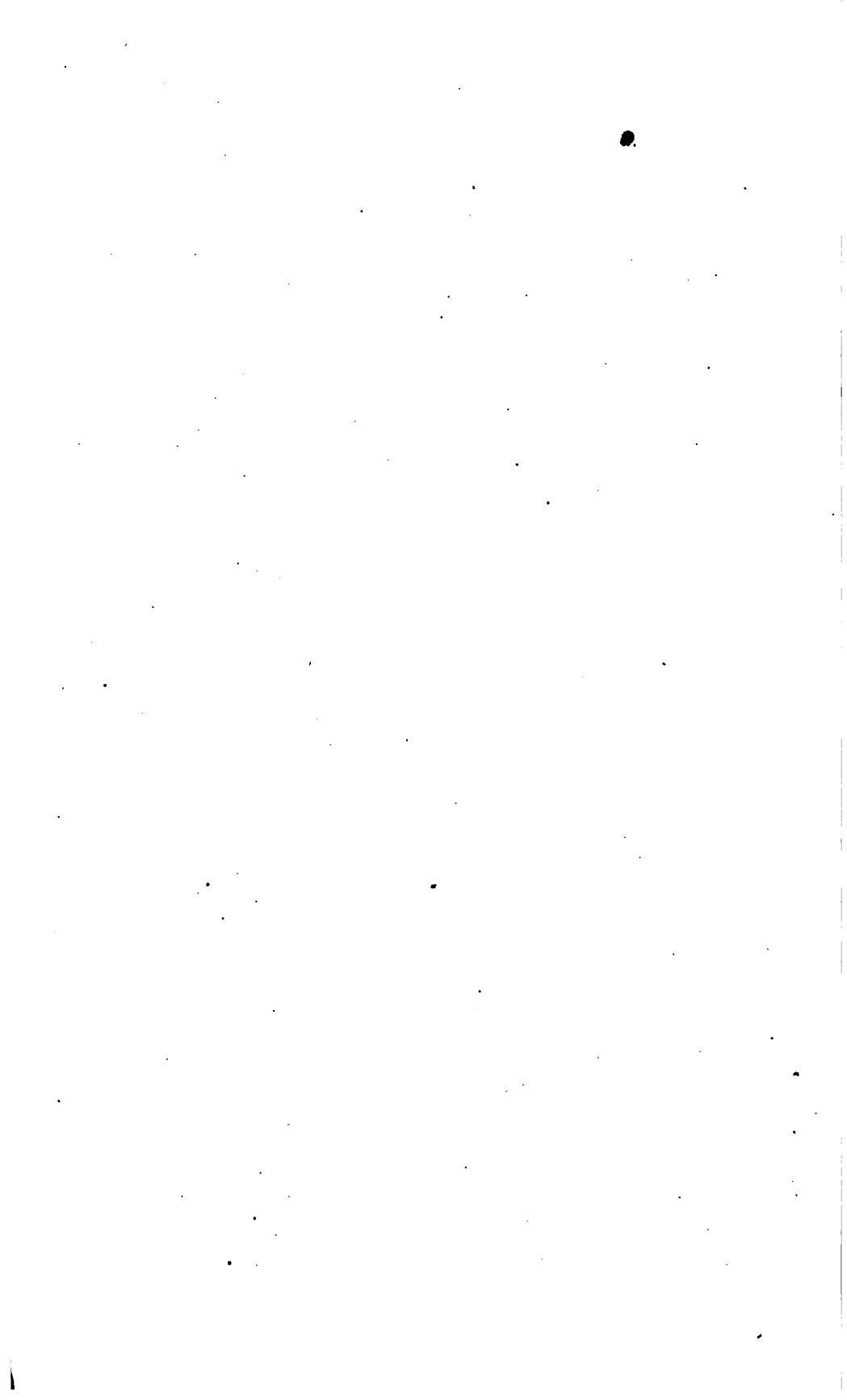
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cc. 1864

TO THE
HONORABLE RICHARD YATES,
NOW THE TRUE AND LOYAL
GOVERNOR OF ILLINOIS,
WHOM I RESPECT AND ESTEEM BOTH AS A STATESMAN AND A SCHOLAR, AND
WHO I AM CONFIDENT HAS THE LOVE OF EVERY SOLDIER IN THE
STATE, AND THE HONOR OF EVERY PATRIOTIC CITIZEN,
THIS WORK
IS MOST RESPECTFULLY DEDICATED.



LETTER OF GOVERNOR YATES.

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT,
SPRINGFIELD, June 30, 1864.

BARTOW A. ULRICH, Esq.:

Dear Sir: I have just finished the reading of your manuscript, entitled, "A Short and Practical Treatise on Government, showing the superiority of the United States Government over all others."

I have found it a very interesting, impartial and able exposition of the different forms of government, clearly defining and contrasting the structure and powers of each, and triumphantly vindicating the superiority of the Representative Democracy over all others. The analysis of the powers of the Constitution, and the distinction between *National* and *State* Sovereignty, are concise, lucid and well-defined.

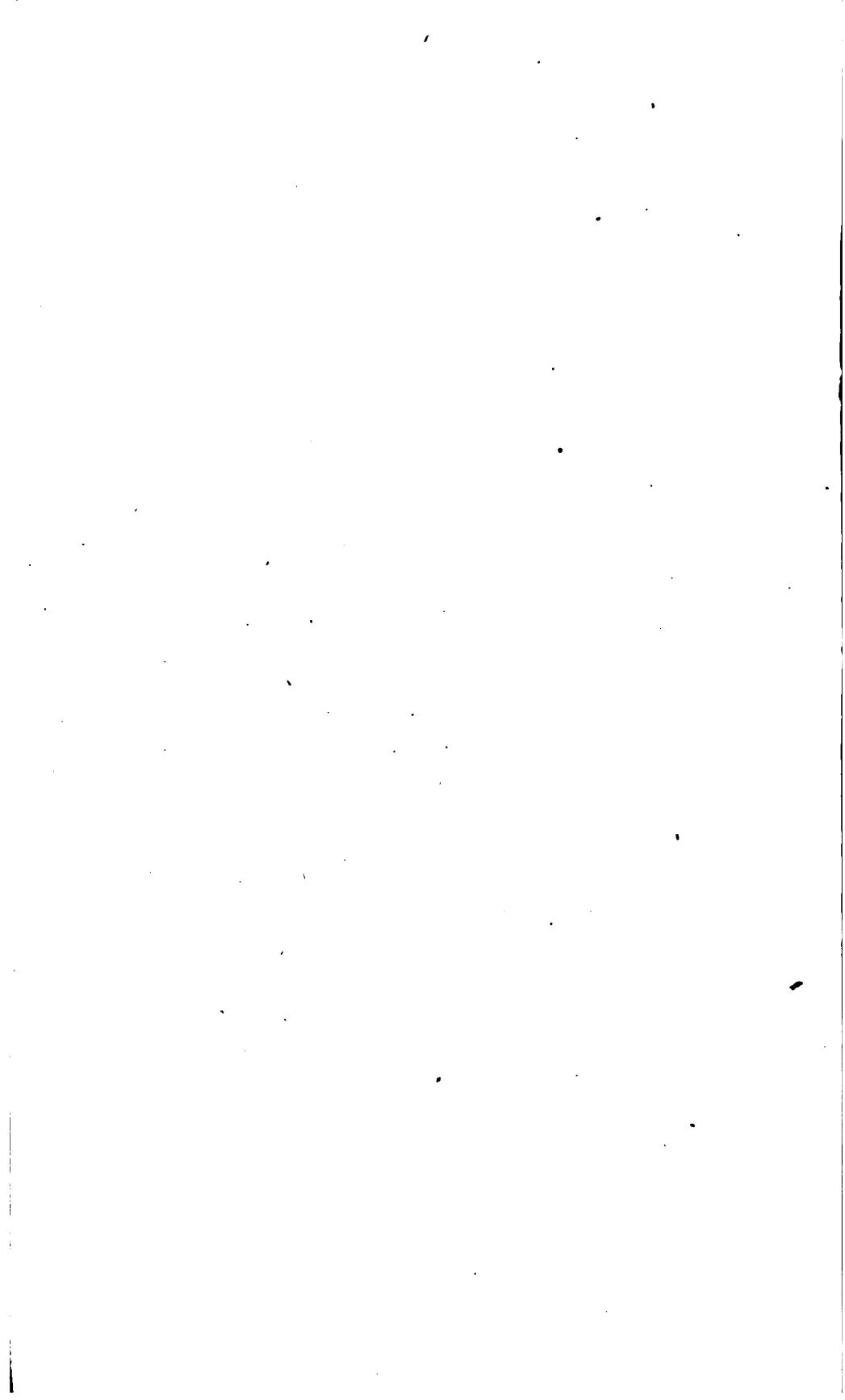
No one can read your work without interest and profit; and at no time since the formation of the government has there been such necessity for some plain treatise on its nature, workings, and adaptation to the wants of the people, as now.

I can look to a wide circulation of your work among the people as potent for good, and I could wish to see it a hand-book in all the homesteads of the land.

It will be a new stimulus to loyalty, a reminder of the good we are fighting for—nerving the popular mind and heart to hold on with unyielding purpose to a Government founded by the best men, in so much wisdom, and so full of benefactions to the people now, and of promise for posterity.

Truly yours,

RICHARD YATES.

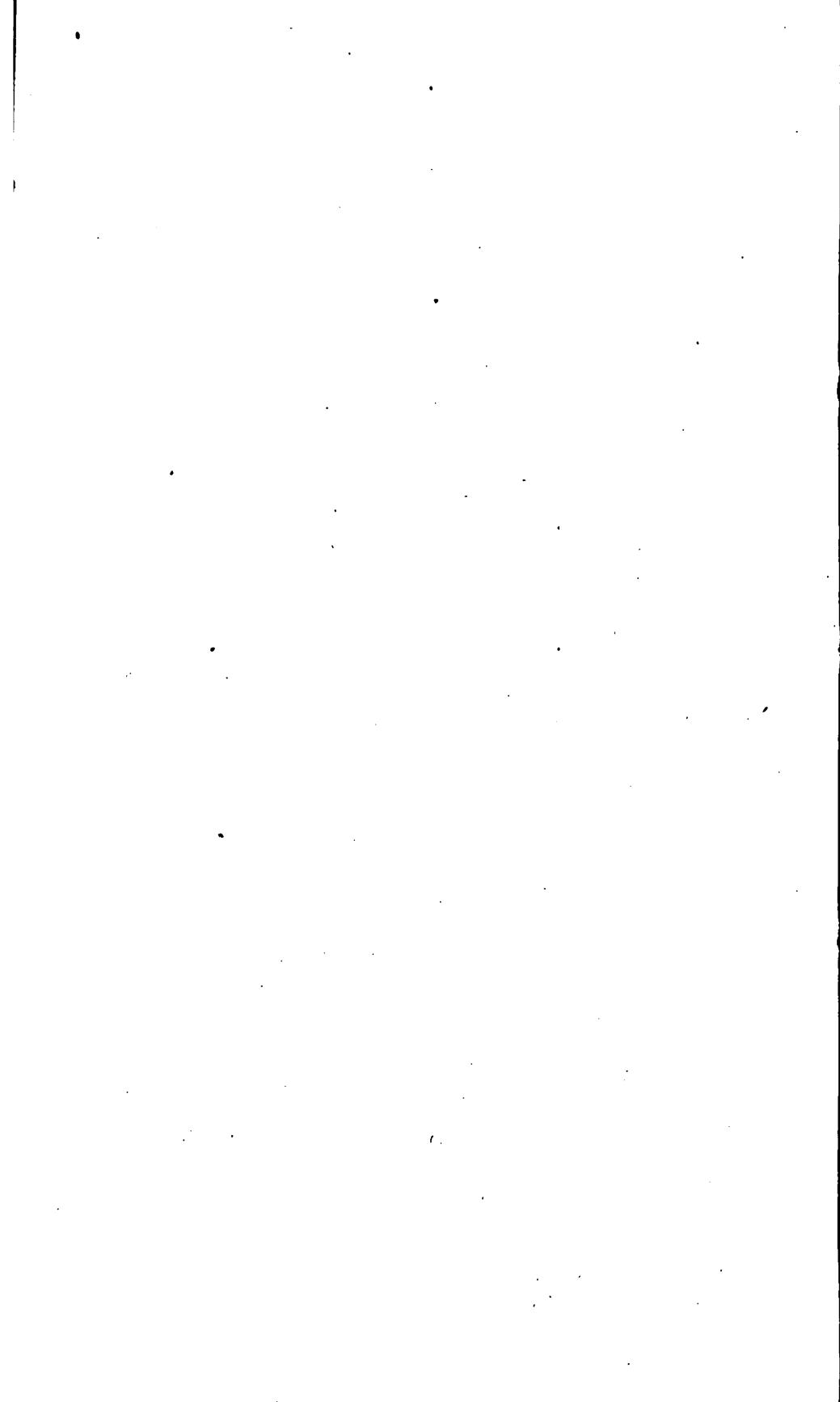


P R E F A C E.

I send this work forth with the object of instilling into the minds of THE PEOPLE—that great power in the United States—a proper conception of the vast difference existing between the republican government, or representative democracy of the United States, and the monarchical, aristocratical, and mixed governments of other nations.

BARTOW A. ULRICH.

CHICAGO, ILLINOIS, July 4, 1864.



GOVERNMENT.

THERE is no certainty as to how *all* the different forms of government that exist now upon the earth, or that have heretofore existed, actually began. But, however they commenced, or continue, there must be in all a supreme and controlling power placed in the hands of some particular person or assembly of persons, from whom can flow the commands to do, or not to do, certain things for or against the good of all under the government.

The three grand divisions of government are, *monarchies*, *aristocracies*, and *democracies*. Any two of these, or all, may be limited, and combined in the formation of one government, which would be called a *mixed* government.

A monarchical form of government, is where the supreme and controlling power is placed in the hands of one person; an aristocratical form, is where this power is holden by, or vested in, a certain class of people, generally for no other reason than on account of their birth and inheritance; and a democratical form of government, is where this supreme and controlling power is given to the people who compose that government, either directly or by representation.

Considering government as given to men for their universal good, by the all-wise and eternal Jehovah, we must examine these three different forms, and also that of a mixed government, and see which is the most conducive to the promotion of happiness and order among them, in their respective stages of civilization and enlightenment.

MONARCHY.

First, we will take a searching view of monarchy, and that, too, with the piercing eye of the American eagle, investigating it in both its forms—*hereditary*, as in England, and *elective*, as in Germany, when united under one ruler.

Under an *hereditary monarchy*, we see, in earlier ages, and partially at the present day, the mass of the people subject to the will of one man, and stripped of all power, comparatively, to think or act for themselves, they are compelled, in obedience to this supreme power, to act toward him and toward each other as he desires and dictates.

There are cases where a woman has held this supreme dictatorship; thus leaving the government of a great nation to the weaker and less qualified sex, which must be antagonistic to our clear and just sense of the weight of executive power. Truly it has been said, that England has never flourished better than under some of her queens; but, instead of this arguing the form of government to be a good one, it shows the room left to kings for wild ambition, and the yokes they were able to place on the necks of their people, through their power.

Supposing a rude and uncivilized state of society, where law and order are entirely unknown or ignored, there may be a just ground for the wise Being who overrules, to establish a degree of order by granting to one person sufficient authority to regulate the disorder, and build up a form of society. This we perceive he has done; for when we contemplate the history of the past, we see men wild and fierce collected together, and formed into a nation governed by a single individual having absolute power. It is true that this sole ruler has often borne down upon human nature, causing it to writh beneath unjust or stern commands; but the age, and

the character of the people, required a severity equal to their fierceness; neither could men be found sufficiently enlightened to understand the true and clear principles of government.

But supposing the world to have become civilized, and nations regulated in a degree by this partial and incomplete system of government, besides having accumulated knowledge through the experience of many generations, then it is that we perceive a want of justice, and an improper mode of governing, when we permit one individual to dictate to many, the majority of whom are themselves able to form and execute rules of conduct equally as well as this one. Then it is that we are forced to condemn this form of government, as being unsuited to the happiness of God's creatures, for which end government was by him established. Then it is that human nature, unable to endure the vain caprice of one, which was better in an age of wildness than the ruthlessness of many, strives for liberation, entirely or in part, from so vexations and needless a thraldom. Then it is we may ask in plain language, what is the use of granting one man and his descendants the highest honors in the nation, for life, without the accomplishment of a single deed on their part to merit them? Then it is that the dogma of aristocratic demagogues, of the superiority of birth, fades away like the mist before the rising sun.

As civilization advances, you may ask, does not the individual who holds the supreme power learn the more enlightened principles of government, and use them for the ruling of his people? To this we answer, by pointing out the oppressions and evils arising from this form of government, which have swept men ungraciously from the earth, since they have become Christianized and civilized beings. One glance at the contests between the houses of York and Lancaster, which deluged the fair face of England in blood for many

years, will show, without further proof deduced from other evils, the immense calamities arising out of an hereditary monarchy, from the conflict of claims to the crown alone. "In the latter reign of Henry VI," of the house of Lancaster, "the house of York asserted their dormant title, and after imbruining the kingdom in blood and confusion for seven years together, at last established it in the person of Edward IV." Vide Bl. B. 1, ch. 3, p. 204. And upon whom does the great burden of this evil fall? Upon the conflicting claimants alone? Nay, it sweeps the nation, from center to circumference, and tears up the very foundation of society, for no other reason than to gratify the selfish ambition of those who think they have the best right to rule supreme. Why, when we come down to the ages of civilization, man having laid aside the native fierceness of his being, and education and enlightenment may be given, whether they are or not, to the majority of the people, it is preposterous, nay, idolatrous, to spill the blood of thousands in order that one particular person in the nation—naturally of no superiority, though presuming to be, on account of his descent from some other particular person who perhaps many years before had wrested the entire governing power from the people, and had then ruled supreme over them—should claim the crown worn by another presumptuous creature of ignorance and vice.

Here, then, is a great point, that works opposition against the happiness of man in an age of enlightenment, growing out of the need, on the part of rulers, of a proper knowledge of the true and clear principles of government. Of course, there are laws for restraining these rulers, and dictating the course that power shall continue from one to another, and what this power shall be; yet, these laws are but cobwebs, which, indeed, catch the weak and ignorant, but through which the opulent and powerful break with ease.

It has been said with truth, by good authority, that "to punish men for their opinions or speculative articles of belief, is one of the luxuries which tyranny has invented in modern times." Vide Lord John Russell on English Government, chap. 4. This is proven by the conduct of Henry VIII, who, after throwing aside the authority yielded to the Pope by his predecessors, for no other reason than that he would not sanction his infamous actions toward his wives, commanded the nation to believe six articles of faith, or whatever else he, the king, and *eternal*, might choose to ordain. What singular presumptions on the part of these individual rulers have occurred! How faithfully do they portray the weakness of human nature! Here we see a man of brutal and uncontrollable passions, who actually ignores all religious feelings, dictating to a nation, containing many men of far greater intelligence than himself, a regular code of laws for the guidance of its numerous consciences. He would argue points of religion with those whom he afterward burned for their strength in a contrary belief. What difference exists between this and the barbarous decrees of Nebuchadnezzar, who made an image of gold, and commanded all the people to fall down and worship it, with the penalty of being cast into the midst of a fiery furnace, in case of disobedience, and who had the three Jews thrown into this fire because they continued worshiping their own God, and refused to worship the image? Vide Daniel, chap. 3.

Hence, again, we do not perceive an advance in enlightened principles of government, in accordance with the advance of education and Christianity, so long as that government is yielded to the supreme will of one person.

Whatever partial historians may say in regard to the division of power in the English government, we assert, with facts like those above to bear us out, that it was the grossest

and most absolute monarchy up to, if not after, the death of Henry VIII. We think impartial history will sustain us when we say, that the great change in the English government, and the establishment of the liberty of the people, occurred after the execution of Charles I, at the time so condemned by all partial historians, who wrote under fear of a crown, as exhibiting the madness, confusion and instability of a deluded people, following fanatical democratic leaders; but being in fact the time when the power of civilization and enlightenment roused the nation, and caused it to demand privileges above what had been enjoyed by a semi-barbaric race. At this time, but not before, the great central and exclusive power was broken; and after this, the king has been restrained, and even, as in the case of James II, at the time of the Revolution, entirely removed, and a distribution of power was at last gained by the English nation, which is now practically visible in the House of Lords, and in the House of Commons.

We will examine now an *elective monarchy*, as it was in Germany, when united under one ruler chosen by the people. This, we will find, was not productive of happiness to the people; for, instead of *one* king, there were a multitude, who reigned over their petty provinces with all the tyranny of an *hereditary monarch*. These minor kings and princes met together at Frankfort on the Main, where there is a huge hall and council room fitted up for them—still kept in complete order, and open to strangers, and in which the German Congress of 1863 was convened. Here a chief potentate was elected from among themselves. When they could not agree as to the one who should be chosen from among themselves, they went out of their borders and elected a foreign potentate; thus Charles V was chosen. These elections the mass of the people had nothing to do with; they were confined to the few ruling sovereigns of the different provinces.

When war was to be engaged in by these united powers, the great burden fell upon the people, who acted more in the capacity of slaves than citizens of the country. The people had to endure, in fact, all the grievances of an *hereditary monarchy*—on account of the petty rulers, who lived entirely off of their subjects—besides the dangers and expenses incurred by the *elective monarchy* created above these rulers. The people were drawn into the useless wars that continually existed between the heads of petty clans, and besides, were obliged to endure the fatigue of foreign invasions and contests, through the confederacy existing between these heads. In this *elective monarchy*, the church was dragged into the government, and tied to its stained garments. The Pope of Rome used his influence in the election of his strong adherents; and these, when elected, made the people under them bow before the power of the Pope. Not only the pulpit, the forum, and the judicial bench, but the whole school of universities, were kept, and still are kept, by many of the German provinces, under the immediate control of the rulers. Destitute of a *free press*, and the *freedom of speech*, together with the want of an *elective franchise*, what better in point of personal liberty were the masses of the people than children shut up in their parents' nursery, or ignorant slaves under the control of their masters? It is true, there was, and still is, in a great degree, a certain amount of education forced upon the inhabitants, rich and poor, of certain countries or kingdoms, which we cannot but be gratified to see; yet those who were able, were compelled to bear arms for the executing of the will of their rulers, whether that will coincided with their wills—if they dared to have any—or not. In a word, the people were, and still are in a lesser degree, the mere tools of old, proud and overbearing families, who, whether united or separated, think

they inherit the right to make the people under their dominion act according to their imperious will. The principal reason for the union that once existed between the German provinces, and the reason that they still hold together in a lesser degree, is, they fear the power of the people, and think to keep them better subjugated by thus uniting their own powers. Another object is, to protect and strengthen themselves against foreign powers. But the revolutions that have occurred in Germany have been caused by this tyranny of the upper classes over the lower classes. The grand outbreak of the "*thirty years war,*" together with the "*Reformations,*" had much to do with the loosening of this tight grasp by which the aristocracy held under the people! *Would to God it could have been riven altogether!*

An *elective monarchy*, whether in Germany, or Holland, or old Rome, or any other nation, ancient or modern, is very little, if any, better than an *hereditary monarchy*. A government with its powers thus centralized, is apt to become the victim of any tyrant, who takes the trouble and grasps the power, to lure it to perdition.

Much more could be said in regard to the imperfection of the monarchical form of government, but as there are equally weighty branches of our subject, we feel compelled to pass on to them, closing this with a quotation from Lord John Russell, who says: "Let not despotism"—the soul and spirit of monarchy—"boast of *her* advantage; half a century of freedom within the circuit of a few miles of rock, brings to perfection more of the greatest qualities of our nature, displays more fully the capacity of man, exhibits more examples of heroism and magnanimity, and emits more of the divine light of poetry and philosophy, than thousands of years, and millions of people collected in the greatest empire of the world, can ever accomplish under the eclipse of despotism."

ARISTOCRACY.

We come next to treat of *Aristocracy*, the most limited and uninteresting branch of our subject. First, then, what is an *Aristocracy*? In his treatise on Government, Anser calls it "a government of particular citizens in right of their wealth, or family, or their religion, or any other circumstance except capacity and virtue." This is an admirable definition, and particularly the last part; for by leaving the government in the hands of certain families, why should it be presumed that these families will always contain the virtue of the nation, and be gifted with the most suitable capacity for governing, of any in the nation? Neither does wealth, or the religion of the day, argue a suitable qualification for governing. Therefore, if asked whether we think this form of government conducive to the good of the people, we will answer—that by thus covering the soil with vast domains rendered immovable by the law of entail, and disposing of enormous means of influence, is giving a boundless power to a few, while barring out the many from all participation in conducting the affairs of government, and that the result is very deleterious to the welfare of the people.

For example of aristocracies, look at Athens under the control of "*The four hundred*," and the Venitian government, which consisted of sixteen hundred nobles. The Athenian government became subverted to an oligarchy; while that of the Venitians was constantly under a distracted and unhappy state—the same individuals being often alternately informers and accusers, spies and suspected. The ruling class were so jealous that they dare not employ home troops, but obtained foreign mercenaries, lest their government should be overthrown by their own citizens. Aristocracies have

gained but little favor from historians, and on the whole they are unpopular governments.

As Denmark in 1660, and Sweden in 1772, exchanged their aristocratical forms of government, for a monarchical form, it is not to be believed that they valued this form of government any better than a monarchical form, which, as we have shown above, is far from being perfect, and hardly fit to be called a form of government.

According to Calvin's doctrine, the Israelites were first under an aristocratical form of government, and Josephus says, that Saul's first sin was, "that he took away the aristocracy," by which it can be presumed he meant that particular part of the government resembling, though very slightly, the form of ancient aristocracies of a religious order. According to Sidney, "the Israelites had a chief magistrate who was called judge or captain, as Josephus, Gideon, and others; a council of seventy men, chosen; and the general assemblies of the people. The *first* of these was merely occasional, like to the dictators of Rome, and as the Romans in times of danger frequently chose a man much esteemed for valor and wisdom, God's peculiar people had a peculiar regard to that wisdom and valor which was accompanied with his presence, hoping for deliverance only from him. The *second* is known as the great Sanhedrim, which being instituted by Moses according to the command of God, continued till they were all, save one, slain by Herod. And the *third* part, which is the assembly of the people, was a democracy." Now, although Sidney holds this to be an aristocracy, in the continuation of his able treatise, and Calvin holds it to be the same, while Josephus says that Saul took away the aristocracy, by which we can justly think he meant the *second* part of the government that somewhat resembled an aristocracy, yet, we can clearly perceive the outlines of a pure

democracy traced by the hand of God upon the constitution of his chosen nation, and which democratic freedom we see was foolishly yielded voluntarily *by the people* — for it was they that asked for a king — to the tyrant Saul. Examine the *first* and *third* parts with that just and intelligent mind of a freeborn American, and see what a beautifully designed democracy there is.

No one, but those who are afraid to assert to the world that the chosen people of God were granted a democratical form of government from Jehovah, would dare, in the face of reason, to sum up these *three divisions*, two of which are undeniably democratic, the leaders being chosen on account of valor and strength, and not for birth or wealth, and then the assembly of the people, while the second bore but a very slight resemblance to an aristocracy, for there were no particular families in whose hands were tenaciously kept the governing power, as is the case in all real aristocracies — and then call the government an aristocracy. Those writers who favor this idea, have written in an age or country not familiar with, or not wishing to propagate democratic principles. It should not be expected of writers under the patronage of a gracious king, to set forth in glowing colors the will of God to be, that *his people* should be free, and have an independent government, unharassed by an overbearing, useless, and corrupt aristocracy, or tyrannical king. Unable to prove it a monarchy originally, they have attempted to prove the nearest approximation to it they were able, and have patched up an aristocracy out of it. But we cannot but differ from them on this point, and close this branch of our subject with a just condemnation of all aristocratical forms of government, ancient or modern.

OLIGARCHY.—This is an aristocracy drawn into fewer hands. Thus the government of Scotland became an oligarchy when in the reign of James VI the administration of the public purse, and with it the power of the State, was conferred on eight men, called, on that account, octavians.

THE COMBINATION OF MONARCHICAL, ARISTOCRATICAL, AND
DEMOCRATICAL FORMS OF GOVERNMENT, AS PRESENTED IN
THE ENGLISH GOVERNMENT FROM THE REVOLUTION OF 1688 TO
THE PRESENT DAY.

“We are not admirers of the political doctrines laid down in Blackstone’s Commentaries. But if we consider that those Commentaries were read with great applause in the very schools where in the memory of some persons then living books had been burned by order of the University of Oxford, for containing the damnable doctrine that the English monarchy is *limited* and *mixed*, we cannot deny that a salutary change had taken place.” And, “when we compare the state in which political science was at the close of the reign of George the Second, with the state in which it had been when James the Second came to the throne, it is impossible not to admit that a *prodigious improvement* had taken place.” *Macaulay, on Mackintosh’s History.* At this time, therefore, or at the date before, 1688, the period of the Revolution, we can find the time of the great change in the English government, and the establishment of a limited and combined, or mixed power in that country practically, which if established before, was only theoretically established. Besides the Toleration Act, and the establishment of the Presbyterian Kirk in Scotland, the authors of the Revolution applied a remedy to the great evil that had been occasioned by the granting of certain taxes to the king for defraying the

expenses of government, while he had the power when forced by war, or by his own profuseness, to ask for and obtain additional grants. "They settled on the king," says Macauley, "not the fluctuating products of certain taxes, but a fixed sum, sufficient for the support of his own royal state. They established it as a rule, that all the expenses of the army, the navy, and the ordinance, should be brought annually under the review of the *House of Commons*"— which represents the people—"and that every sum voted should be applied to the service specified in the vote." This we acknowledge to be a distribution of power, the king being the executive power, but depending directly upon the people not only for his support, but the support of all his projects; and from this time, we grant to England the honor of having some pure and healthy principles of government scattered in its constitution, yet we assert, that they flow entirely from the democratical branch of government, which has been permitted to percolate through the heart of the supreme and ruling powers. From this period the House of Commons has been the strongest power in the nation, often declaring war, and concluding peace, besides appointing and removing ministers. Even if the king dissolve Parliament, should the people be of the same mind as their representatives, he would gain nothing by it, for the next Parliament would forward his ends no sooner if they were against the interests of their constituents, the people. Here, then, we see the force of the grand principle of *vox populi*, demonstrated by the power exercised by the representatives of the people in Parliament.

At this time we can quote and apply the remarks of Blackstone, on the nature of the English law, when he condemns Tacitus for treating the notion of a mixed government, formed out of all three governments and partaking of the advantages of each—which Cicero asserted when he declared

himself of opinion, “*esse optime constitutam rem publicam quae ex tribus genribus illio, regali, optime et populari, sit modice confusa*”—as being a visionary whim, and one that, effected, could never be lasting or secure. “Happy for us, of this island,” says the learned commentator, “the British Constitution has long remained, and I trust will long continue, a standing exception to the truth of this observation” (of Tacitus). “For, as with us the executive power of the laws is lodged in a single person, they have all the advantages of strength and dispatch, that are to be found in the most absolute monarchy; and as the legislature of the kingdom is entrusted to three distinct powers, entirely independent of each other; first, the king; secondly, the lords, spiritual and temporal, which is the aristocratical assembly of persons selected for their piety, their birth, their wisdom, their valor, or their property; and thirdly, the House of Commons, *freely chosen by the people from among themselves, which makes it a kind of democracy*; as this aggregate body, actuated by different springs, and attentive to different interests, composes the British Parliament and has the supreme disposal of every thing, there can be no inconvenience attempted by either of the three branches, but will be withstood by one of the other two, each branch being armed with a negative power, sufficient to repel any innovation which it shall think inexpedient or dangerous.” This is the most complete and concise definition that can be given of the combination of the monarchical, aristocratical, and democratical, forms of government, as represented in the English government, *practically*, from the Revolution of 1688 to the present time. This may have been the nature of the English Constitution theoretically, long before, as the commentator says above, it “has long remained;” yet we know it has not been so strictly divided in the distribution of its powers as it is at the present, until after the

Revolution of 1688, or the changes made before, during the protectorate of Oliver Cromwell. The greatest change seems to have occurred during the ruling of this determined, strange and powerful man. By the execution of Charles the First, the throne, for the time being, was hurled to the ground, and the crown of England was trampled upon by the people, over whom it had looked down for so many centuries, with its serpentine glitter and mysterious power. Cromwell's entrance into the House of Parliament, his violent address to that body, in which he said, "that they were deniers of justice, were oppressive, profane men, were planning to bring in Presbyterians, and would lose no time in destroying the cause they had deserted," together with his exclamations of, "you are no Parliament! get you gone! give way to honester men!" and his dissolving the Parliament immediately by force of arms; combined utterly to subvert and destroy both the Constitution and Parliament. So at this time we see the throne, the crown, the Constitution and the Parliament of England a perfect mass of ruins, and the opportunity offered for a great change in its national affairs. It came, and with it an increase of liberty of the people.

There were no laws in England to uphold the conduct of Cromwell in many of his actions, besides the laws of humanity, freedom, and justice. Of course, he was the protector of the rights of the people; but there never having been a precedent, there was no preparation made for his case by the laws or constitution of England. Blackstone hardly mentions this ruler, the most able and vigorous-minded that England ever saw upon the executive chair. He says, indeed, "the confusion, instability, and madness, which followed the fatal catastrophe of that pious and unfortunate prince, Charles I, will be a standing argument in favor of *hereditary monarchy*, to all future ages; as they proved to the deluded people, who, in

order to recover that peace and happiness which for twenty years together they had lost, in a solemn parliamentary convention of the states restored the right heir of the crown." Now, although we believe this father of laws to be a good and worthy preceptor, yet we cannot, at this age, and in this country, and with the aid of our American eagle eye, be induced to acknowledge the assertion of the learned commentator, in this respect, as correct. Cromwell had more kingly powers and attributes than three-fourths of the men placed upon the English throne, from either the House of York or Lancaster; and he showed the complete fallacy of keeping the executive powers confined to princes of a particular blood; while he proved to the world the value of having a man, raised up from among the people, acquainted with their real condition, and created their ruler. And did the English people "recover that peace and happiness, which for twenty years together they had lost," when Charles was brought to the re-established throne, and had the scorned crown re-lifted and placed upon his royal head? History does not say so, but it declares Charles II to be a tyrant, and one of the worst kings that ever cursed the English throne, while it admits that "the protectorate was a vigorous administration; that law and order was enforced; that religious liberty was proclaimed; that the rights of conscience were respected; that legislature and science were encouraged, etc., etc., and that the nation was as much respected abroad as it was prosperous at home." John Lord, A. M., on Modern History.

Let us look at the English government at the present day, as we shall examine the government of the United States as it now exists, and then see if it is suited for the production of the complete happiness of the majority of the people.

We meet with ideas and principles of government in England now, which are altogether antagonistical to the more

liberal and enlightened views of the manner in which men should be governed. One of the leading erroneous ideas, is the presumed superiority of the aristocracy over the mass of the people. Let us seat ourselves at a dinner table in England, at which are several old and well-versed heads, both of the clergy and nobility, the former of which nearly always support the latter, and when they become fairly interested in their beef-steak, we will ask them the question, "My lords and gentlemen, why do you not educate the people of your country universally, as we do in America?" This question would produce as much consternation, almost, as a bomb-shell would, had it burst over their diplomatic heads. For they well know that it touches the very main-spring of their aristocratical ideas of government, and that the strong hammer of national right and liberty is about to strike upon the loosening rock that upholds the throne, and that, too, in its weakest point. They will finally tell us that they do; which we must believe without further argument, or the beef-steak will get cold, and John Bull will get out of patience. No; we deny it, emphatically, and assure them that we have traversed their island, and found the greater mass of the poorer people living in gross ignorance—ignorant not only of reading and writing, but entirely ignorant of their own country's language, and speaking a different dialect in every shire. "Ah," they will say, "this is provincialism!" Call it what you will, we answer, it is not so in the United States, and it is a standing proof to the world, that you have no complete system of free schools, and that you do not educate the people universally. If you did, they would show it by speaking the same, or nearly the same, language. Of course, we have *words*, in some sections, that are not used in others; but the majority of the people—in fact, all the people—can commune intelligibly with one another. We have asked your hard-worked laborers,

both young and old, if *they* have had the opportunity of attending free schools, like those we have in nearly all parts of the United States, and their answer has universally been, *no!* Both of these truths will look the sages sternly in the face, and the American eagle, winging his way over the back of the British lion, can thus dart down, and tickling him under the ribs, wink his black eye, and then rise up far out of the reach of the old forest king's claws. Finally, the truth will be forced out, and we will be told, that if all are given equal advantages of education, it produces too much equality between the higher and lower classes, and causes the latter to be less easily kept in subordination. Or, in other words, *it would completely demolish the aristocracy.*

This keeping the people down by the strong weight of ignorance, is the grand system of all aristocracies, and monarchies, or mixtures of the two, England not excepted, although democracy has slightly been admitted to flow through that government. We would say to the *people*—men of England, sons of Britain, if you would become men in the full possession of your civil and religious liberty, and shake from your shoulders the burden of an useless aristocracy, and be your own complete masters, then crush out that power, which makes you this moment the slaves for the acting out of its own selfish purposes; break the scepter into atoms, and rend asunder the ties that bind Church and State; tumbling the throne into a mass of ruins, while demolishing the crown, and burying its jewels, as things with an evil genius, forever in the depths of the surrounding waters. You can then establish an independent democratic form of government, which will secure to you your rights as men.

Although much has been said about the elective franchise in England, yet a man, now, must possess a certain amount of property in order to enjoy the privilege of voting. The

people are only represented in the House of Commons, the House of Lords being composed of the aristocracy. The press is only conditionally free, and the prerogatives of the King and Parliament far greater than those of our President and Congress, though modified and defined very much during the last two centuries. Prominent and powerful writers have done and are doing much to enlighten the people, and restrain the ruling classes. At the time, even, when its prerogative was at the highest, and it was almost treason to deny the powers of Parliament, yet legislative acts were often severely criticised by such writers, when these acts were unnatural and contrary to reason and justice. The seeds of our free government were in fact blown over the ocean from England, yet produced far greater fruits here than they were permitted to produce there. And now, the influence arising therefrom is producing results beneficial to the mother country.

There is a vast difference between the manner kings and their families, and subjects in general, stand in the eye of the English law.

The strife occasioned by the procuring of a crown filled with so many inherent and potent powers as England's crown possesses, has also been one of the great evils attending the continuation of an hereditary monarchy, or the executive authority of a mixed government. For a zig-zag course of, and the turmoils occasioned by the passage of a crown through the lapse of several centuries, turn to what Blackstone calls "a short historical view of the succession to the crown of England, the doctrines of our ancient lawyers, and the several acts of Parliament that have been created to declare, to limit, to confirm or to bar the hereditary title to the throne." Bl., B. I, ch. 3, p. 197. Looked at from this point, the crown is a scare-crow, sufficient, we should suppose, to frighten any nation which saw it hanging glitteringly over it. Why not

dash so infernal an instrument of contention into atoms, or bar it down in the lowest perdition forever, far away from the craving grasp of man ?

Primogeniture is also one of the errors in the mixed government of England. It draws together vast estates, and keeps them under the control of one person, thereby creating a class of very wealthy citizens, and very poor dependents. It establishes an aristocratic class, and at the same time produces a lower class.

In closing this branch of our subject, we cannot fail to admit, that a mixed government, after the fashion of that of England at the present day, is preferable both to an aristocracy and monarchy ; yet we hold it to be greatly inferior to a pure representative democracy.

DEMOCRACY.

We take up the final, and by far the most satisfactory, of the three grand branches of our subject, and in a clear and definite manner, will set forth the advantages to be derived from a democratical form of government, and its supremacy over all other forms.

First, what is a democracy? It is where the government is vested directly in the people. Supposing a nation of one hundred thousand men, to have a pure democratical form of government ; each law or act that is passed for their good, must be passed by the assembled one hundred thousand. There must be no distinction on account of wealth, or color, or birth, or religion ; but all, who are responsible as men of full age, are embraced in the term democracy. The impracticability of choosing the full powers of a democratical form of government, has been seen by those who have had the control of the formation of a new government, and the nearest approximation to it, that has yet been successfully made, is a

representative democracy, or where the people elect representatives to transact the business of the government for them, as in the United States at the present day.

In a pure representative democracy, the whole people must have the privilege of electing the representatives, and this privilege must not be confined to those of a particular class, or those possessed of a certain amount of wealth, or holding a particular religious belief, or being of a specific color; but can be confined to those who have been admitted into the nation as *citizens*, and those who are qualified by the attainment of the age, and other lawful qualifications of responsible manhood. Therefore, if any portion of the people not lacking the qualifications of citizenship, are denied the privilege of an elective franchise, then the real virtue of a representative democracy is lost. But should lack of wealth, or the want of a certain religious belief, or a difference of color, prove a popular objection to the right of this franchise, then the only way to preserve the purity of this form of democracy is to bar those thus disqualified by popular prejudice, from becoming *citizens* of the nation.

We will confine ourselves to the form of representative democracy, which, in reality, gives as much power into the hands of the citizens as a pure democracy. As the United States possesses this form of government, we will confine ourselves to its Constitution, for an illustration of this branch of our subject. We will not attempt to give its history, but will merely define what it now is. —

FUNDAMENTAL PRINCIPLES OF THE CONSTITUTION OF THE
UNITED STATES.

What are the fundamental principles underlying the grand structure of the representative democracy of the United States?

The *first of these*, is the voluntary submittal of the powers of government into the hands of representatives chosen by a majority of the citizens of the nation, through their universal possession of the elective franchise; these powers being defined and limited by a written constitution.

The *second*, is the division of the government into three distinct departments, the Legislative, Executive and Judicial. All the powers of the first, granted by the constitution, are vested in a Congress of the United States, consisting of a Senate and House of Representatives. 1 Const. U. S., Art. 1, Sec. 1. The powers of the second are vested in a President of the United States, who shall hold his office during the term of four years. Art. 2, Clause 1, Sec. 1. And the powers of the third are vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges both of the Supreme and inferior courts shall hold their office during good behavior; and shall at stated times receive for their services a compensation, which shall not be diminished during their continuance in office. Art. 3, Sec. 1.

The *third grand principle*, is that of civil and religious liberty, together with freedom of speech, and of the press.

The *fourth* essential element of confederate strength, is the subordination of the governments of the several States that compose the Union, to the general government, and their equality among themselves.

The *fifth principle*, which is one productive of national growth, is the encouragement of foreign emigration to the vast tracts of unoccupied territory, by the homestead act, and an act permitting foreigners to become citizens after a five years residence, and the taking of the oath of allegiance.

The *sixth*, is the protection given to home manufactures by

the taxation of foreign goods;—or, in other words, the protective tariff.

The *seventh*, is the universal privilege of the writ of *habeas corpus*.

The *eighth*, is the right of trial by jury.

The *ninth*, is the right of the *citizens* peacefully to assemble, and to petition the government for a redress of grievances; and their right to change the constitution.

The *tenth*, is the magnanimous, and heaven-born principle, that percolates through every branch of our democratic government,—though one that has been perverted,—*the universal right of every man to be free*.

Upon these *ten* grand principles, stands the mighty structure of our national government. They are the main pillars that support our glorious temple of liberty. They are incorporated into the constitution of the nation, and from them has sprung many minor principles of political economy of great and weighty importance.

After examining casually the importance of these several leading principles, we will pass to a short investigation of the constitution itself, of this *representative democracy*.

It seems clear and self-evident, that where people have the power, *when citizens*, to create laws, even indirectly, as by representation, that these laws will not be, as a general thing, adverse to the interests of the people. But if these laws are made by those who are not bound by them, as in a monarchy, and often in an aristocracy, then it is far more reasonable to suppose, and experience teaches us, that these laws are often greatly prejudicial to the welfare of the people.

It is said by jealous monarchies, and superannuated aristocracies, that a great objection to a representative form of government, and the exercise of the elective franchise by

the people, is the political divisions, and hotly excited contentions of periodical elections, which are thereby created, In the words of Lord John Russell, we answer, "that men of noble minds know that these political divisions and contested elections are the work-shops of national liberty, and national prosperity. It is from the heat and hammering of the stithy that freedom receives its form, its temper and it strength."

By the proper distribution of the powers of government among several branches, according to this fundamental principle of representation, each of these branches, as the Legislative, Executive, and Judicial departments of the government, becomes, in its respective sphere, the immediate and equal representative of the people, as the direct source of its depository of the sovereign power. Vide Duer on Const., page 29. Therefore in this collective body of three distinct departments, all the rays of power of the people of the United States, should be united as in a centre, and form by that perfect union a consistency, splendor, and power, that should make it feared and respected by foreign nations and potentates, and honored and obeyed by the people thus voluntarily placing themselves under its control.

As to the President, in whose hands is yielded the power of executing the governmental laws. How could a man educated entirely without the pale of common life in his nation, and within the circle only of wealth and pleasure, as is the case with most sovereigns, be so well qualified to execute the laws, as one raised right up from the masses, and familiar, by experience, with the character of the many? The answer is clear that he will not be, and that ONE OF the people, is better suited to occupy the executive chair, than ONE NOT OF the people. That undeserved and unearned respect shown often by their people to princes, is like the august deference shown by the ignorant slave to the master

who lives from his labor and his life. While that respect and esteem granted by the people, who have placed the power, which he possesses, in his hands, to a faithful executive, who has earned his position on account of his merits as a public man, is one of a truly noble and exalted character.

In this representative democracy, the President is strictly limited in his powers, and barred by laws, the same as other individuals, private and public, in the nation. When his term expires, he returns again to, and mingles with, the people as a private citizen.

No democratical form of government could live without civil and religious liberty, together with the freedom of speech and the press. They are just as much the product of this form of government, as the apple is the natural fruit of the apple tree. When it has ceased to yield such results, you may be assured the roots of the institutions have become corrupted or destroyed, and the real principle has disappeared, and monarchy, aristocracy, or anarchy, taken its place.

By making the general government superior to the State governments, you create a power that can excite respect from abroad, and obedience at home; whereas, by permitting the State governments to be superior, you divide the interests of the nation, and have a collection of weak powers inadequately bound together, and liable at any day to be rent entirely asunder.

By throwing out inducements for foreign emigration, we not only weaken foreign powers, but build up and strengthen our own.

By having a protective tariff we supply our own wants by our own labor, and enrich our nation by increasing its manufactures for the consuming of our home products, instead of building up manufactures in foreign nations for their consumption.

By having the privileges of the writ of *habeas corpus*, and the right of trial by jury, we protect ourselves against usurpation of power.

By the acknowledgment of the right of every man to be free, we stand out among the nations of the earth, the most exalted, and attractive, beaming among the governments of the world as the brilliant sun among the lesser orbs, shedding truth and radiance in every direction. May we ever prove true to, and preserve this glorious principle of our government!

CONSTITUTION OF THE UNITED STATES.

This instrument—one of the grandest ever formed by the united efforts of men—contains all the general principles requisite for sustaining a representative democracy. Being formed amid exciting times, and yielding to some compromising measures, it contains certain clauses that have not only puzzled the greatest statesmen, but also convulsed the whole body politic. These, it is to be hoped, will be modified by time, and the instrument that is bound together by so many pure and golden bands, survive the turmoils of the people over whom it hangs, clothed in its sovereign and majestic power.

One of the most conspicuous characteristics of our constitution is its powerful adherence to the glorious principles of liberty. There is no partiality shown to any one person, or set of persons, but all are dealt with alike—contrasting strangely with the governments of other nations, where liberty is unknown. It is true that the African is kept in slavery in some parts of the nation, but the white race enjoys a freedom never known before in history, and it is to be hoped that even the enslaved black man may become liberated, which will be effected by this war that is raging in our country, thus

establishing the immortal and glorious principle of universal freedom in our government.

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." The main object was, to form "*a more perfect union.*" Then to "*establish justice,*" which could not be done under the old confederacy. Also, to "*insure domestic tranquility,*"—which required a government, and one truly democratic, and prohibiting all slavery, as the present war proves. And to "*provide for the common defense, general welfare, and liberty,*" which shows it was designed to have an extensive operation, and that we must consider it as having this enlarged design, and every part must be considered as having this purpose.

Judging from this preamble, we can reasonably infer that the constitution was established by a purely democratic movement, modified only by representation. The preamble is an explanatory introduction to the entire instrument. The constitution is not a contract between the States, dependent entirely upon their individual wills for its preservation and force, but it is fundamental in its construction, and subject to the will alone of the people—or citizens—of the nation, regarded collectively. It prohibits State sovereignty in express terms, for no State is to impose duties or imposts, except for expenses of inspection laws, without consent of Congress, and all laws are subject to the revision and control of Congress. Taxes on imposts, as such, are invalid, and all net revenue goes into the United States Treasury. No State can enter into any treaty, alliance, or confederation, or grant

letters of marque and reprisal. Art. 1, Sec. 10, Clause 12. It affects State sovereignty by grants to Congress exclusive in their nature, and therefore implying prohibition, for States are prohibited from coining money, emitting bills of credit, or making anything a legal tender but gold and silver. And it also affects the sovereignty of States by allowing Congress to act, where prior to Congressional action, State laws may be valid, and in some cases may be concurrent, but not opposed to existing Congressional legislation.

From the earliest history of our present constitution, the citizens of the nation have been divided into two contending parties upon the point of the sovereignty of the State or Federal Governments — the Democratic party holding that the States are sovereign, and that the Federal Government depends upon their individual wills, while the Republican party holds, that the Federal Government is sovereign, in its own appointed sphere, and the States are subordinate. Now, in all governments, as we set forth in the commencement of our theme, there must be a supreme and controlling power given to some particular person or assembly of persons from whom can flow the commands to do or not to do certain things for or against the good of all under that government. This supreme power the Republican party wish to be placed, and it is constitutionally placed, in the general government, restricted only by the constitution. In the fourth article and second clause of that instrument, it says, "This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, *anything in the constitution or laws of any State to the contrary notwithstanding.*"

Where the government is placed under the control of many different States, it would naturally be subject to many wills; many wills, if disunited, and drawing different ways, create weakness in government; and to unite these several wills, and reduce them to one, is a work of more time and delay than the exigencies of State matters will afford, therefore the power to act should be centralized, and placed in Congress, so that it may act independently and supremely. Congress must have the power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes. It would be impossible to have it otherwise. And this power must be broad enough to allow the framing of complete regulations for commercial intercourse. Congress has the power, also, of preventing commercial transactions for a limited time, by embargoes, even if against the interests of a single State, and for the general welfare. The Federal Government, also, dictates how citizens of different States shall regard each other: "Citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." It points out the manner in which laws shall be regarded: "No citizen can carry his own laws abroad into another State." Yet, every State is supreme within its own limits, and deals with the general government as with any individual—the Federal Government, though, is supreme over all the States.

The interpretation of the constitution is given into the hands of the Judicial department.

The learned and lamented Justice Story says, in his work on the Constitution, that "every government must include within its scope, at least if it is to possess suitable stability and energy, the exercise of the three great powers, upon which all governments are supposed to rest, viz., the executive,

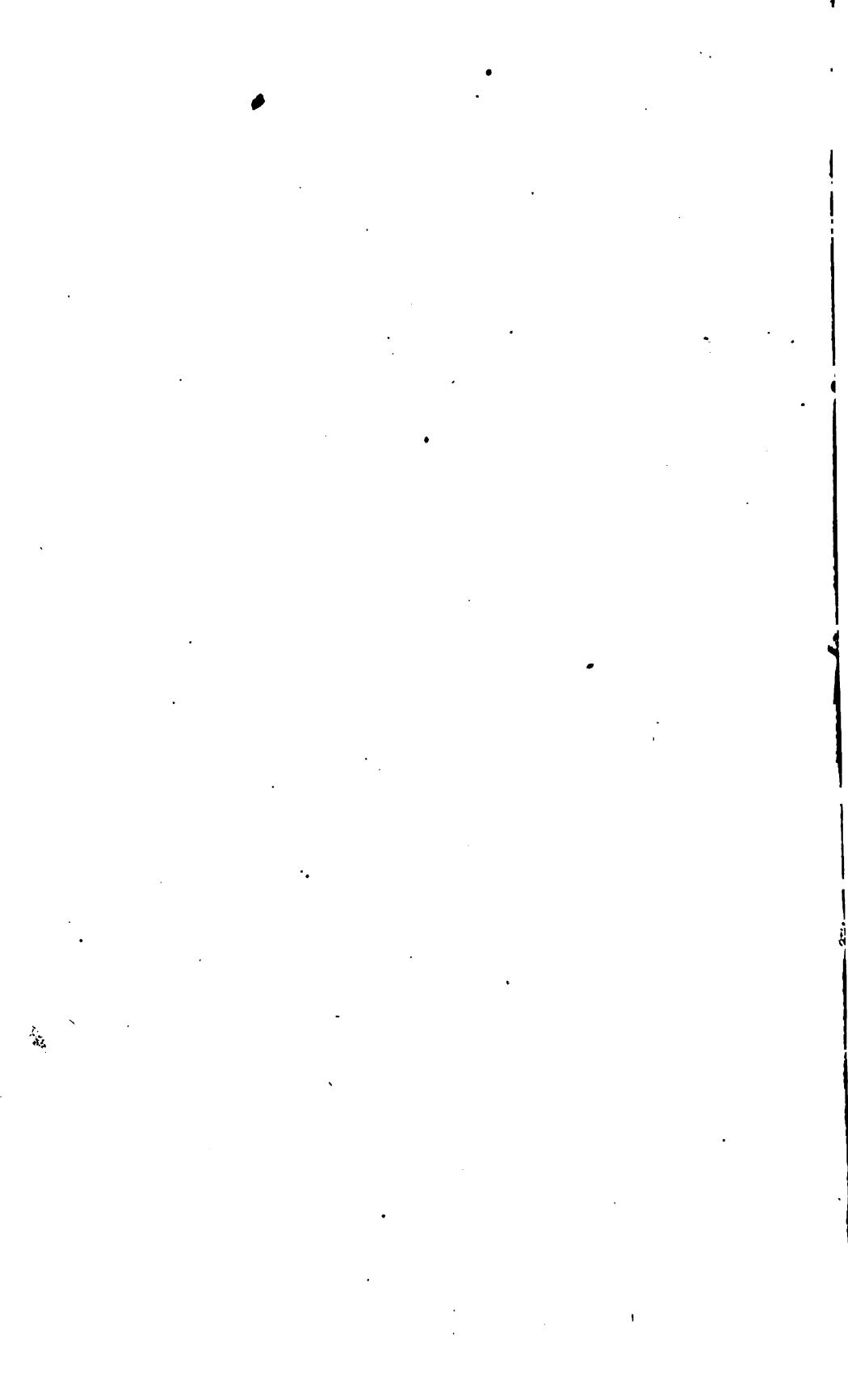
the legislative, and the judicial powers. The manner and intent, in which the powers are to be exercised, and the functionaries in whom they are to be vested, constitute the great distinctions which are known in the forms of government. In absolute governments, the whole executive, legislative and judicial powers are, at least in their final result, exclusively confined to a single individual; and such form of government is denominated a despotism, as the whole sovereignty of the State is vested in him. If the same powers are exclusively confined to a few persons, constituting a permanent sovereign council, the government may be appropriately denominated an absolute or despotic aristocracy. If they are exercised by the people at large in their ordinary sovereign assemblies, the government is a pure and absolute democracy. But it is more common to find these powers divided, and separately exercised by functionaries, the executive power by one department, the legislative by another, and the judicial by a third; and in these cases the government is properly deemed a mixed one; a mixed monarchy, if the executive power is hereditary in a single person; a mixed aristocracy, if it is hereditary in several chieftains or families; a mixed democracy or republic, if it is delegated by election, and is not hereditary. In mixed monarchies and aristocracies some of the functionaries of the legislative and judicial powers are, or at least may be, hereditary. But in a representative republic all power emanates from the people, and is exercised by their choice, and never extends beyond the lives of the individuals to whom it is intrusted. It may be intrusted for a shorter period; and then it returns to them again, to be again delegated by a new choice."

This quotation is given thus at length for the purpose of comparing, as it does, the three different forms of govern-

ment, and also, to show what relation our government bears in its construction to the others.

The three departments, then, of this representative democracy are, the executive, the legislative, and the judicial. The first and last are far more limited than the second, which is given an almost unlimited amount of power, being able to control the laws, institutions, and public policy of the country in all matters coming within the range of subjects entrusted to its care. The powers of the executive are strictly marked and defined, while the judicial powers are limited to the administration of private and public justice. Yet, although the legislative power is thus less limited, it is more directly moved and governed by the people, and is continually changing in its membership. It is connected by strong ties to every section of the country, and interested in every quarter, and therefore it is a safe depository of the aggregate power of the government.

We have shown, above, the grand principles which are contained in our constitution, and contrasted them with the principles of other governments less favorable to liberty; and now close this subject, with a recognition of the vast superiority of our *representative democracy, or republic*, as often called, over a monarchy, hereditary or elective, or absolute, or an aristocracy, or oligarchy, or a mixture of the three principal forms of government; and we glory in a government like our own, which grants to ALL equal rights and privileges; and in our petitions to the Almighty Giver of all bounties, we should pray, that He preserve to us, and to future generations, a national government blessed with such exalted and beneficial principles, until He shall establish His own perfect government upon the earth!



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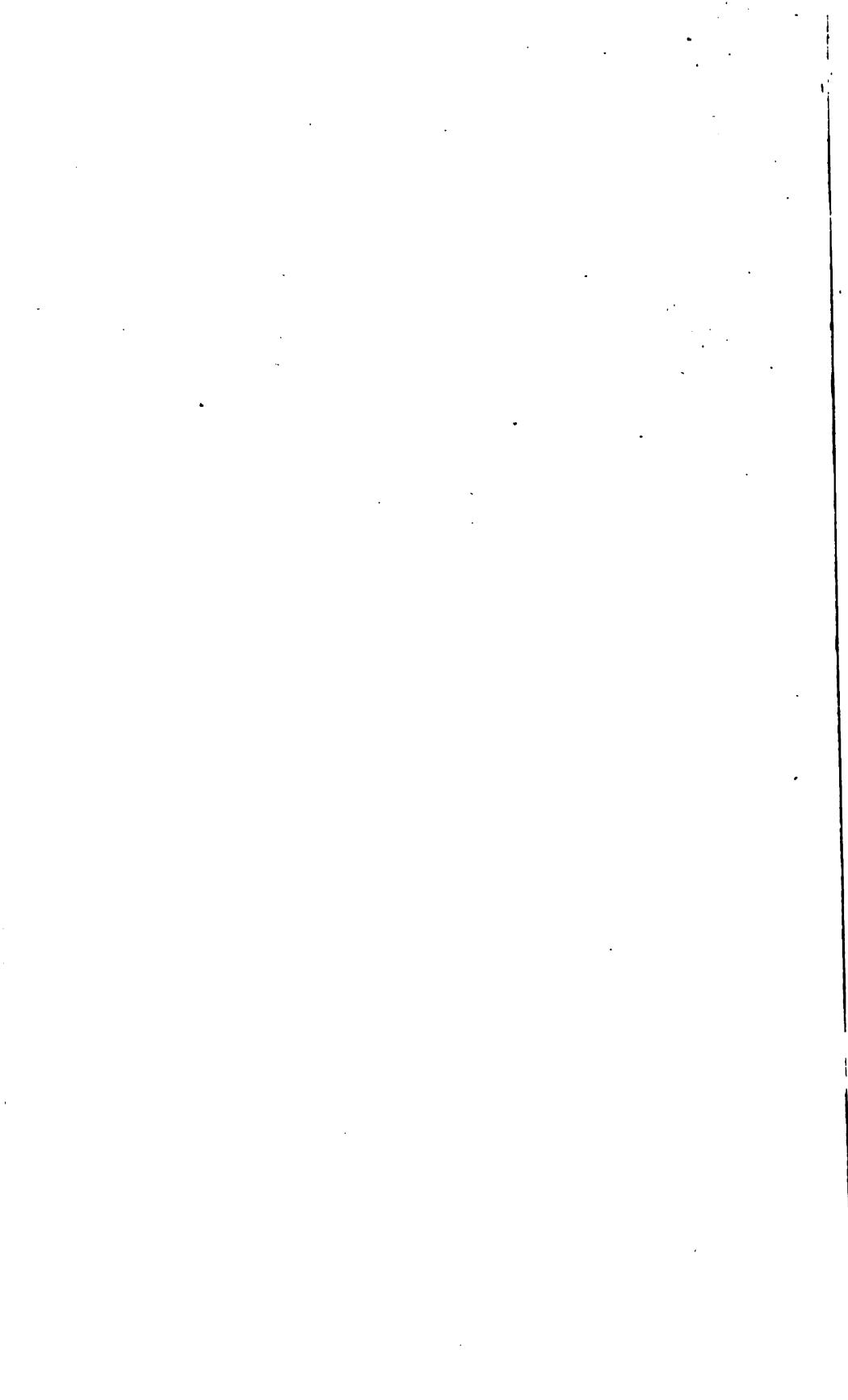
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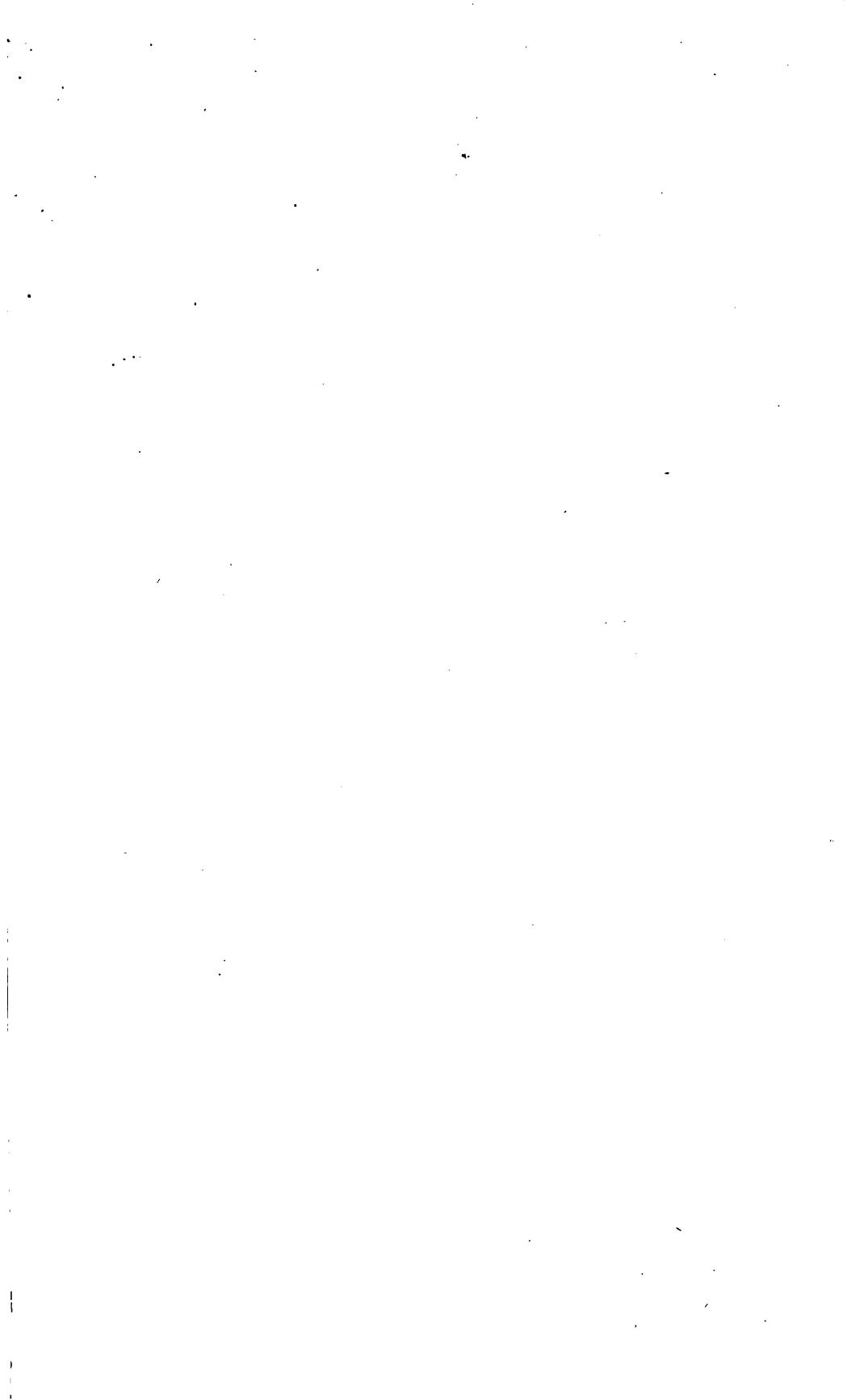
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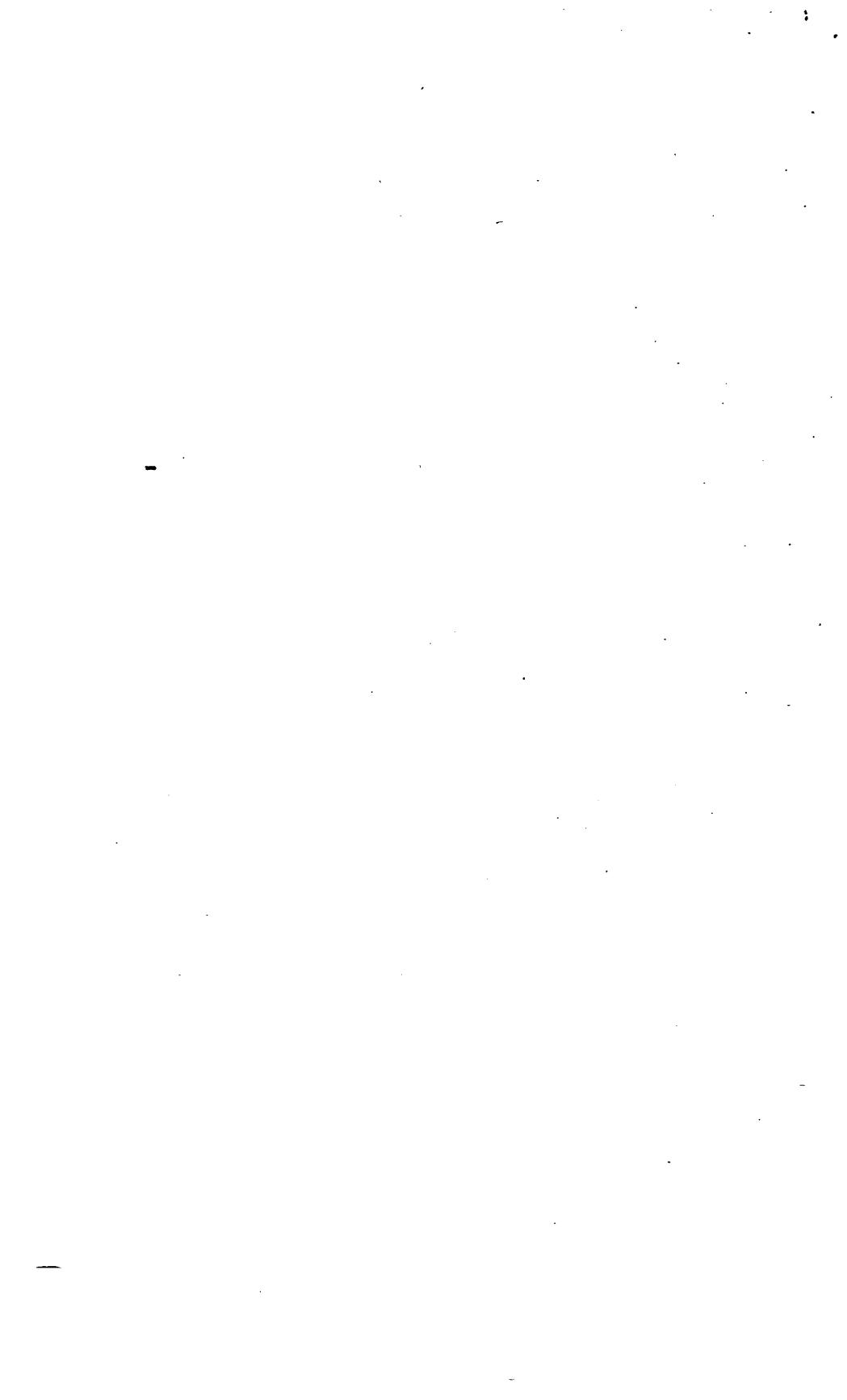
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